The main accusations of the Russian Church against the autocephaly of Ukraine

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This study examines the principal canonical and ecclesiological objections raised by the Russian Orthodox Church in response to the Ecumenical Patriarchate's decision to grant autocephaly to the Orthodox Church of Ukraine. The first line of opposition concerns the legitimacy of the Ecumenical Patriarchate's canonical authority to confer autocephaly, particularly regarding its jurisdictional claims over the Ukrainian ecclesiastical territory. By analyzing foundational canonical sources—most notably Canons 9, 17, and 28 of the Fourth Ecumenical Council—this article demonstrates the historical and canonical basis for Constantinople's prerogatives within the Orthodox Church, including its recognized role as the arbiter in matters of appeal and ecclesiastical order. Special emphasis is placed on the 1686 patriarchal 'Act', which temporarily permitted the Patriarch of Moscow to ordain the Metropolitan of Kiev, a concession granted *ad economia* and never intended as a transfer of jurisdiction. The second accusation pertains to the recognition of ordinations performed during the schism. Through an analysis of canonical tradition and conciliar precedents, the study illustrates the Church's consistent application of ecclesiastical *economia* in similar cases throughout history. The ordinations of clergy during schismatic periods, including those of Filaret and Makarios, are shown to possess canonical validity and apostolic succession. The article concludes that the decision of the Ecumenical Patriarchate aligns with established canonical procedures and historical practice. The Ukrainian Church's autocephaly thus represents a legitimate and necessary response to contemporary ecclesial and geopolitical realities, aimed at restoring canonical order and preserving the unity of the Orthodox Church.

The Ukrainian issue has become a wider topic for discussion, mainly due to Russia's military invasion in Ukraine. It concerns the difficult relationship between Russia and Ukraine, which, apart from its troubled

past, emerged after the dissolution of the Soviet Union. During the 1990s, Ukraine gradually distanced itself from Russia and oriented itself towards the West. However, in the case of Ukraine, beyond the political and economic dimensions, the religious and cultural history and traditions of these peoples must also be taken into account. It is significant that in similar cases, national and religious identity and consciousness have deeper roots in the memory of these countries and peoples.[1] Therefore, the presence and organization of corresponding ecclesiastical structures and institutions in Ukraine, alongside political authority, is of vital importance.

The initiative of the ecumenical throne to grant autocephaly to the Church of Ukraine was entirely based on the canonical tradition of the Orthodox Church.[2] This tradition clearly defines the function and position of the Ecumenical Patriarchate regarding the resolution of the issue of autocephaly, as evidenced by the modern ecclesiastical history of the twentieth century, when all local Orthodox Churches received their Tomos of autocephaly from the ecumenical throne.

The accusations from the supporters of the Russian Church (who come not only from the Russian Church but also from almost all the Churches) challenge, first, the authority of the ecumenical throne to grant autocephaly to the Church of Ukraine and, second, the possibility of recognizing ordinations performed during the schism and the restoration of those ordained during the schism to the canonical order of the Orthodox Church.

The first accusation concerning the authority of the Patriarchate of Constantinople to grant autocephaly and its jurisdiction over the territory of the Church of Ukraine, and the consequent alleged encroachment of the Ecumenical Patriarchate into the canonical boundaries of the Church of Russia, pertains to the well-known subject of canonical law, territoriality. If we refer to the ancient canonical tradition of the Church, territoriality is a fundamental principle in

[1] We must note that Vladimir Putin's plan to organize a unified state from the three countries —Russia, Belarus, and Ukraine—was based on three elements: political, cultural, and religious. The political capital would be Moscow, the religious capital would be Kiev, and the common language would be Russian.

[2] Regarding this topic, see the book by metropolitan Kyrillos of Krini, *The Patriarchate of Constantinople and the Autocephalous Church of Ukraine*, Constantinople 2021 (Κυρίλλου μητροπολίτου Κρήνης, Το Πατριαρχείο Κωνσταντινουπόλεως και η Αυτοκέφαλη Εκκλησία της Ουκρανίας, Κωνσταντινούπολις 2021).

the organization and governance of the Church. According to this principle, each diocese is assigned a specific geographical territory, and the bishop of that diocese has authority over all Orthodox Christians within that territory. This principle is known as 'episcopal jurisdiction' and ensures that there is a clearly defined structure of authority within the Orthodox Church.

The rules of the Orthodox Church address territoriality in various ways. Essentially, these rules aim to regulate the jurisdiction of bishops. Each bishop must have authority over a specific geographical area or territory, and overlapping jurisdictions should be avoided wherever possible.

Canon 2 of the First Ecumenical Council stipulates that bishops should not interfere in the affairs of Churches outside their own diocese unless invited to do so by the local bishop.

Canon 6 (of the same Council) confirms the authority of the bishop of Alexandria over Egypt, Libya, and Pentapolis, and the authority of the bishop of Rome over the territories of the Western Church.

Canon 9 of the Council of Antioch prohibits bishops from ordaining clergy outside their own diocese, except in cases of necessity and with the permission of the local bishop.

Canon 9 of the Fourth Ecumenical Council confirms the authority of the Patriarch of Constantinople with the right to accept appeals from bishops of other regions.

Canon 28 of the same Council grants the bishop of Constantinople equal privileges with the bishop of Rome and confirms the jurisdictional boundaries of the Church of Constantinople and its authority over Churches, including those of the bishops of Pontus, Asia, and Thrace.

Among the above-mentioned canons, canon 28 of the Fourth Ecumenical Council is of exceptional importance, as well as the other rules connected to it, because they have a direct relationship with the issue of the autocephaly of the Church of Ukraine. To properly understand and assess this rule, it must be interpreted in the spirit of the time and ecclesiastical practice. According to canon 3 of the Second Ecumenical Council, the bishop of Constantinople gains "*a presbytery of honor*" and is now equal to the bishop of Rome. This rule established a parallelism between the bishops of Rome and Constantinople. The privileges of New Rome became clearer with canons 9 and 17 of the

Fourth Ecumenical Council. According to these canons, in the case of a dispute arising between local Churches, they should address the bishop of New Rome to resolve the issue. Canon 28 emphasizes the parallelism between the bishops of Rome and Constantinople and thus confirms the authority of canon 3 of the Second Ecumenical Council. These privileges of Constantinople are once again affirmed by canon 36 of the Fifth Ecumenical Council.

In the nineth century, patriarch Photius of Constantinople began his apostolic mission in Eastern Europe. During this period, specifically in 988, Christianity spread to the Kiev region. Vladimir, the ruler of the Kievan Rus', understood the great significance of Christianity for the future history of the Russian people. Therefore, he and his successors made significant efforts to spread and support the new faith. On the other hand, there was substantial pastoral care from the Mother Church of Constantinople. The new Church was one of the dioceses of the Patriarchate of Constantinople, with its seat in Kiev. For about five centuries, the metropolitans of Kiev, and later Moscow, were elected and consecrated by the Patriarchate of Constantinople. The basis for this administrative dependence was canon 28 of the Fourth Ecumenical Council, which, as interpreted by Theodore Balsamon, states that the patriarch of Constantinople is entrusted with the ordination of bishops in territories outside the bounds of the Roman Empire.[3] It is a fact that the majority of metropolitans in Russia up to the sixteenth century came from the Ecumenical Patriarchate.[4] Generally, the metropolitans of Kiev governed the Church of Russia, convened synods, and were responsible for decisions within the Church. Later, in the fifteenth century, the Metropolis of Kiev was divided, and there were now two metropolitans. Metropolitan Jonah (1448), who was subordinate to Moscow, and Gregory, under the patriarch of Constantinople, Gregory Mammas (metropolitan Gregory later returned to Orthodoxy and was accepted by the Ecumenical Patriarch in 1470). However, Jonah's election was made without agreement with the Ecumenical Patriarch.[5]

[3] See canon 15 of the Fourth Ecumenical Council of Chalcedon, *PG* 137, 489.

[4] After the death of metropolitan Theopemptus (1048), during the reign of the ruler of Kiev, Yaroslav, at the provincial council, the newly elected metropolitan of Kiev, Hilarion, requested the confirmation of his election from the ecumenical patriarch (see V. Feidas, *Ecclesiastical History* II, Athens 2002 (3rd edition), p. 225).

[5] Οικουμενικός Θρόνος και η Εκκλησία της Ουκρανίας – Ομιλούν τα κείμενα, 2018, 4.

In the late sixteenth century, when the metropolis of Moscow was elevated to a Patriarchate under the Ecumenical Patriarch Jeremiah II (1589), the metropolis of Kiev continued to remain under the jurisdiction of the ecumenical throne. This is evident from the actions of patriarch Jeremiah II during his visit to Kiev in 1589. In the early seventeenth century, when the issue of the union arose, the patriarch of Constantinople granted permission in 1620 to the patriarch of Jerusalem, Theophanes, to perform the ordinations of Orthodox bishops in Kiev.

In the seventeenth century, however, when the eastern part of Ukraine was united with Russia, the Church in Ukraine also became divided among Russia, Poland, and Turkey. Russia began its activities in Ukrainian territory, disregarding the canonical jurisdiction of Constantinople over the ordination of the metropolitan of Kiev. Thus, in 1685, the patriarch of Moscow ordained the metropolitan of Kiev, an act which was irregular because the election and ordination of the metropolitan of Kiev had always been under the jurisdiction of the synod of the Church of Constantinople. However, to prevent the Church of Kiev from remaining without its head, and also for historical and political reasons (the Russian occupation of parts of Ukraine and the war between Russia, Poland, and Turkey), in 1686 patriarch Dionysius granted the patriarch of Moscow the right to ordain the metropolitan of Kiev. This right was granted in a 'conciliatory and economical manner', meaning it was granted as an *economia*. The reason for this action was, as mentioned, specific political events.

This refers to the patriarchal and synodal 'Act' or 'Decree of Issuance' from 1686. As is known, the original text has been lost. However, the Russian translation and the original Greek copies from the time of patriarch Callinicus II (1688, 1689–93, 1694–1702) have survived[6], from which the original text has been restored.[7] This synodal document holds canonical value because it clarifies those historical and ecclesiastical events.

Therefore, as mentioned, the inclusion of the metropolis of Kiev under the jurisdiction of Moscow was done as an *economia*—'in a conciliatory and economical manner'. The act of *economia* always

[6] *Ibid*.

[7] For details see V. Tchentsova, Синодальное решение 1686 г. о Киевской митрополии, in: Древняя Русь. Вопросы медиевистики 2 (68), 2017.

indicates the temporary nature of any decision in ecclesiastical life. This is confirmed by patriarch Dositheus of Jerusalem, who wrote in a letter to ambassador Nikita Alekseyevich: 'Kiev should be given to Moscow temporarily due to its occupying tyranny, until the day of divine visitation',[8] and it concerned only the ordination of the metropolitan of Kiev: 'so that the most holy province of Kiev may be subject to the most holy patriarchal throne of the great and God-preserved city of Moscow, namely that the metropolitan of Kiev be ordained by the patriarch of Moscow as needed', meaning that the patriarch of Moscow could ordain the metropolitans of Kiev on behalf of the ecumenical patriarch.

The fact that it concerned only the permission for ordination is also evident in the letter to the Russian kings that has survived in its original form, where it states that the patriarch of Moscow 'has permission to ordain the metropolitan of Kiev'.[9] It is important to note that the permission for the election of the metropolitan of Kiev remains with the ecumenical patriarch. This is clearly emphasized in the patriarchal 'Act', which notes that the metropolitan of Kiev is obliged to commemorate the patriarch of Constantinople during the Divine Liturgy. These points of the text have decisive value because the 'first' commemoration of the ecumenical patriarch by any metropolitan of Kiev as the 'source and origin' means that the Metropolis of Kiev was never ceded to the patriarch of Moscow, but only the permission for ordination was granted. This was the purpose for which the synodal 'Act' was written. According to this text, the Metropolis of Kiev remains under the jurisdiction of Constantinople because the commemoration during the Divine Liturgy is a primary sign of one Church's extension of authority over another. The term mentioned in the text does not allow the patriarch of Moscow to administratively control the Metropolis of Kiev. From the text, it appears that the metropolitan of Kiev, after commemorating the patriarch of Constantinople, was supposed to commemorate the patriarch of Moscow as well, but as a superior, which indicates only the spiritual relationship of the Metropolis of Kiev to the patriarch of Moscow and not Moscow's jurisdiction over Kiev. The

[8] Δοσιθέου Ἱεροσολύμων, *Ἱστορία περὶ τῶν ἐν Ἱεροσολύμοις Πατριαρχευσάντων*, τόμος ΣΤ', 1983, 240˙ «*νὰ εἶναι ἐπαρχία μὲν τοῦ Κωνσταντινουπόλεως ἐπιτροπευόμενη δὲ παρὰ τοῦ ἁγιωτάτου Πατριάρχου Μοσχοβίας... διά τήν κατέχουσαν τυρρανίδα, ἕως ἡμέρας ἐπισκέψεως θείας*».

[9] Οικουμενικός Θρόνος και η Εκκλησία της Ουκρανίας – Ομιλούν τα κείμενα, 2018, 8.

well-known Russian theologians Vetochnikov and Kouragiev argue that the jurisdiction of Constantinople over the province of Kiev had been maintained for centuries.[10] The synodal 'Letter of Appointment' given to the patriarch of Moscow for the ordination of the metropolitans of Kiev indicates exactly the permission for ordination in this specific case and only; 'the province of Kiev, being subject to the highest and most holy ecumenical throne of Constantinople, the ordination of its bishop was always received regarding this matter'.[11] It seems that Constantinople used to ordain the metropolitans of Kiev, but now (meaning temporarily) this permission is granted to the patriarch of Moscow due to the circumstances that arose during that period. The term 'being subject' in relation to Kiev indicates that Kiev was under the jurisdiction of Constantinople 'outside of time' (timelessly), but it has become (now) subject to Moscow due to the conditions as an *economia*, which is a temporary measure of the Ecumenical Patriarchate. Therefore, the Ecumenical Patriarchate did not grant jurisdiction over its territory to the Church of Moscow. It is incorrect to refer to the text of the 'Act' as a 'Tomos', as the authority of a Tomos differs from that of an Act.[12] The reason this permission was granted to the patriarch of Moscow in an *economia* was due to the great distance between Constantinople and Kiev, as well as the political conditions: 'to know that (i.e., the patriarch of Moscow) is an elder and preeminent there,[13] as he ordains there and not under the ecumenical patriarch, as stated above, due to the

[10] K. Vetochnikov, 'La "concession" de la metropole de Kiev au patriarche de Moscou en 1686: Analyse canonique', *Proceedings of the 23rd International Congress of Byzantine studies*, Belgrade, 22–27 August 2016: Round Tables, ed. by Bojana Krsmanović, Belgrade 2016, 780–784˙ Οικουμενικός Θρόνος και η Εκκλησία της Ουκρανίας – Ομιλούν τα κείμενα, 2018, 10.

[11] V. Tchentsova, Синодальное решение 1686 г. о Киевской митрополии, in: Древняя Русь. Вопросы медиевистики 2 (68), 2017, с. 101.

[12] 'Tomos' is granted when autocephaly is conferred on any Church (Russia, Serbia, Romania, Bulgaria, Georgia, Greece, Albania, Poland, Czechia, and Ukraine). The Ecumenical Patriarchate has never ceded part of its canonical territory to another Church through a 'Letter of Release'. However, after granting autocephaly, the Ecumenical Patriarchate no longer intervenes in the affairs of the specific Church. On the other hand, 'Praxis' is usually given in cases of temporary actions by Constantinople, such as the Ionian Islands being assigned to the Church of Greece, where the Ecumenical Patriarchate could say both yes and no, as in the case of Thessaly in 1881, which was handed over to the Church of Greece with the 'Praxis'. However, as is known, the 'Tomos' of autocephaly for Russia does not mention the cession of part of Ukraine's territory to the Patriarchate of Moscow.

[13] Archimandrite Kirill Hovorun, 'Comments on the Constantinople Synodal Letters of 1686', 2018. Here it appears that the patriarch of Constantinople emphasizes that the patriarch of Moscow is considered 'elder and superior' for the metropolitan of Kiev, while in a letter concerning the issue between the patriarch of Jerusalem and the archbishop of Sinai, the patriarch of Constantinople refers to the patriarch of Jerusalem as 'patriarch and elder'.

excessive distance of the place, and due to the continuous wars between the two realms, and in a conciliatory manner following his pre-existing custom, and granting him this permission economically'.[14] The fact that the metropolitans of Kiev ordained by the patriarch of Moscow had to mention 'in the first place' the patriarch of Constantinople, '...to mention in the first place the revered name of the ecumenical patriarch, as being the source and origin and superior over all the communities and dioceses everywhere, then the patriarch of Moscow as his elder...'[15] shows that Constantinople is the source and origin and still 'superior' over the other Churches, including the dioceses of Kiev and Moscow.

The word '*ὄντος*' emphasizes the authority that Constantinople had and continues to have. Although the Ecumenical Patriarchate was located within the Ottoman Empire, it had administrative and judicial privileges over the other Orthodox Churches. Patriarch Jeremiah II, in the patriarchal 'Tomos' for the establishment of the Patriarchate of Moscow, writes: 'so that the recently ordained metropolitan of Moscow [Joasaph] is called a patriarch, and is numbered among the other patriarchs, and has the rank and commemoration after the patriarch of Jerusalem, and is obliged to mention our name and those of the other patriarchs, and to regard the apostolic throne of Constantinople as his head and first, as the other patriarchs do'.[16] The terms found in the text of 1589 indicate that the ecumenical patriarch is 'superior' and 'the source' for the patriarchs of Moscow, who were required to mention the patriarch of Constantinople and the other patriarchs.

It is important to note that, following the official Synodal Documents, letters from patriarch Dionysius to Kings John and Peter were also issued. Although these letters do not carry the weight of the official Synodal Documents due to their private nature, they provide significant clarifications on the matter. In these letters, it is mentioned that the then patriarch of Moscow, as well as 'the subsequent patriarchs in the same manner', received permission to perform the ordination and enthronement of the metropolitans of Kiev. However, this last phrase is not included in the official ecclesiastical text, and this silence suggests

[14] V. Tchentsova, Синодальное решение 1686 г. о Киевской митрополии, in: Древняя Русь. Вопросы медиевистики 2 (68), 2017, с. 101–102.

[15] *Ibid* 101.

[16] Regel, № 5, p. 87; V. Tchentsova, Синодальное решение 1686 г. о Киевской митрополии, in: Древняя Русь. Вопросы медиевистики 2 (68), 2017, с. 96.

that the permission from Constantinople to Moscow was temporary. Although the letter mentions that this permission would also apply to future patriarchs, it does not state that this permission would be perpetual, as is usually specified in official patriarchal documents. This is also evident from the part of the letter where patriarch Dionysius writes to patriarch Joachim of Moscow that during the Divine Liturgy, the metropolitan of Kiev should remember the patriarch of Constantinople:

> ...with one thing being preserved, namely, that when the metropolitan of –Kiev performs the bloodless and divine mysteries in the parish, he should mention first the revered name of the most holy ecumenical patriarch, as from him all good things are spread to the ends of the world, and being the source of all, and in a conciliatory manner due to the aforementioned reasons, and acknowledging the subjection of the Moscow Patriarchate to the throne of Constantinople, and then the patriarch of Moscow.[17]

The letters of Dionysius are significant because they show that the throne of Moscow is remembered as being subject to Constantinople.[18]

The letters of patriarch Dositheos of Jerusalem confirm the right of the patriarch of Moscow over Kiev only for the ordination of the metropolitans of Kiev but explain that this right is temporary.[19] Representatives of the Moscow Patriarchate usually cite this part of Dositheos's letter and the 119th canon of Carthage and the seventeenth canon of the Fourth Ecumenical Council.[20] His eminence metropolitan Kyriakos of Crete notes:

[17] Οικουμενικός Θρόνος και η Εκκλησία της Ουκρανίας – Ομιλούν τα κείμενα, 2018, 28; Βλ. Φειδά, *Το ζήτημα της Αυτοκεφαλίας της Ορθοδόξου Εκκλησίας της Ουκρανίας εκ πηγών αψεύδων*, Αθήνα 2019, 31–32.

[18] Архимандрит Кирилл Говорун 'Комментарии к Константинопольским синодальным грамотам 1686 года', 2018.

[19] Αρχιμ. Καλλίστου, «Ο Πατριάρχης Δοσίθεος (1669–1707) και οι αγώνες αυτού και της αδελφότητος υπέρ των Αγίων Τόπων», *Εκκλησιαστικός Φάρος*, τχ. ΙΒ (Δεκέμβριος 1928), 742.

[20] Ράλλη - Ποτλῆ, *Σύνταγμα θείων καὶ ἱερῶν Κανόνων*, τόμ. Γ', 574 και τόμ. Β', 258–259: «*Τὰς καθ' ἑκάστην ἐπαρχίαν ἀγροικικὰς παροικίας, ἢ ἐγχωρίους, μένειν ἀπαρασαλεύτους παρὰ τοῖς κατέχουσιν αὐτὰς ἐπισκόποις, καὶ μάλιστα ἢ τριακονταετῆ χρόνον ταύτας ἀβιάστως διακατέχοντες ᾠκονόμησαν. Εἰ δὲ ἐντὸς τῶν τριάκοντα ἐτῶν γεγένηταί τις, ἢ γένοιτο περὶ αὐτῶν ἀμφισβήτησις, ἐξεῖναι τοῖς λέγουσιν ἠδικῆσθαι περὶ τούτων κινεῖν παρὰ τῇ Συνόδῳ τῆς ἐπαρχίας. Εἰ δέ τις ἀδικοῖτο παρὰ τοῦ ἰδίου μητροπολίτου, παρὰ τῷ ἐξάρχῳ τοῖς διοικήσεως, ἢ τῷ Κωνσταντινουπόλεως θρόνῳ δικαζέσθω, καθ' ἃ προείρηται. Εἰ δὲ καί τις ἐκ βασιλικῆς ἐξουσίας ἐκαινίσθη πόλις, ἢ αὖθις καινισθείη, τοῖς πολιτικοῖς καὶ δημοσίοις τύποις, καὶ τῶν ἐκκλησιαστικῶν παροικιῶν ἡ τάξις ἀκολουθείτω*».

> The Patriarchate of Moscow, in order to strengthen its own position, resorts to the 119th canon of Carthage and the 17th canon of Chalcedon, since within a period of three years (Carthage) or thirty years (Chalcedon) the jurisdiction of the (ecumenical throne) in Ukraine was not contested. However, Ukraine, as a free state today, is neither a rural nor a domestic parish between two bishops (Chalcedon), nor is it related to Donatist bishops who, upon returning to the canonical Church, could claim within three years the place that belonged to them. Besides these points and the problem of where Ukraine properly belongs, the granting of autocephaly to it and the restoration to normalcy of the first schismatics is undoubtedly based on the right of appeal to the Ecumenical Patriarchate...[21]

But how did events develop from the seventeenth century onward? After 1686, most of Ukraine remained under the jurisdiction of the Ecumenical Patriarchate. In 1710, the first Ukrainian Constitution stated that the Metropolitanate of Kiev should be restored under the jurisdiction of the Ecumenical Patriarchate. In 1791, at a local council in Pinsk, the archpriests from the provinces of Western Ukraine, Belarus, Lithuania, and Poland decided to restore autonomy under the jurisdiction of the Patriarchate of Constantinople. This jurisdiction also extended to Southern Ukraine and Crimea, which were under Ottoman control. Many Cossacks left Zaporizhzhia in 1775 and moved to Ottoman territory, remaining under the omophorion of the ecumenical patriarch until the mid-nineteenth century. The Carpathian region was under the jurisdiction of the ecumenical throne and was only occupied by the Russians in 1946. In 1788, Russia abolished the Crimean provinces, but the Ecumenical Patriarchate never recognized the decision of the Russian Church. The older provinces in Crimea, Gothia, and Kapha were under the jurisdiction of the ecumenical patriarch until the Russians occupied Crimea.[22] So why did the Patriarchate of Constantinople not react to these violations? As is

[21] Κυρίλλου μητροπολίτου Κρήνης, *Το Πατριαρχείο Κωνσταντινουπόλεως και η Αυτοκέφαλη Εκκλησία της Ουκρανίας*, Κωνσταντινούπολις 2021, 24–25.

[22] Archbishop Job of Telmessos, 'The Autocephaly of the Orthodox Church in Ukrain and the canonical Prerogatives of the Ecumenical Patriarchate', in *The Ecumenical Patriarchate and Ukrain Autocephaly*, Order of Saint Andrew the Apostle, 2019, 49–50.

known, the Patriarchate of Constantinople, after the fall of the City, lived and performed its duties under difficult conditions, particularly during the eighteenth and nineteenth centuries; the life and death of patriarch Gregory V alone is enough to understand this situation. However, Russia took advantage of the ecumenical throne's situation and succeeded in occupying and abolishing its older provinces. The usual violations by the Patriarchate of Russia constitute the reason for the revocation of the 'Act' of 1686 by the patriarch of Constantinople.

The second accusation of the Russian Church's claims is the challenge to the recognition of ordinations conducted in schism and the restoration of those ordained in schism to the canonical order of the Orthodox Church. This issue is one of the fundamental matters of Canon Law that has concerned the Church throughout the centuries. Although a similar issue arose in the Orthodox Church last century, specifically the Bulgarian schism, the particular question regarding the Church of Ukraine remains in doubt.[23]

It is known that schism is the organized refusal to submit to the canonical order of the Church; it is the separation of a group from ecclesiastical unity, and a key characteristic is the presence of at least one bishop within that group.[24] This separation occurs either due to doctrinal differences or administrative positions. In the case of the Ukrainian issue, it is clear that the reason was administrative. However, the important question of how clergy ordained in schism will be accepted back into the Church reemerges whenever it occurs in the life of the Church.

In the history of the Church, there are numerous examples confirming the recognition and acceptance of those ordained in schism, but I believe it would be unnecessary to list all these examples here. Instead, we will emphasize the extent to which the Church has addressed the preservation of its unity. The 68th apostolic canon prohibits reordination, and in cases where ordination was performed by heretics, the Church employs the measure of ecclesiastical economy. The Church

[23] In 1852, the Bulgarian bishops were deposed by the Ecumenical Patriarchate, a fact that was reiterated by the Synod of Constantinople in 1872. However, later in 1945, the Synod of the Bulgarian Church requested the Ecumenical Patriarchate to restore and lift the deprivations, which was done in 1961. The Ecumenical Patriarchate recognized all the sacraments and, of course, the ordinations that took place during the schism. No autocephalous Church protested against the specific actions and decision of the Ecumenical Patriarchate.

[24] Π. Μπούμη, *Κανονικὸν Δίκαιον*, Ἀθήνα 2002, 244.

examines each case individually every time. This is observed in St Basil the Great, who addresses this issue in his letter to Amphilochius of Iconium. The 68th apostolic canon forbids reordination unless it was performed by heretics. But even in such cases, the Church employs the measure of economy. This is evident from numerous examples in ecclesiastical history. Here are a few: St Meletius of Antioch was ordained by the Arians. He, in turn, ordained St Basil the Great and St John Chrysostom. Similarly, St Cyril of Jerusalem was ordained by the Arians. The bishops ordained by the Arians were present at the Second Ecumenical Council. St Germanus of Constantinople had been ordained by the Monothelites. Not only St Germanus but also many others ordained by the Monothelites were accepted into the Church.

Likewise, at the Seventh Ecumenical Council, thirteen bishops who had been ordained by the Iconoclasts were accepted. If the Church recognized the Baptism as valid, then the priesthood was also considered valid, but not always—if heretics had been baptized within the Church, they were accepted into the Church, as seen in the letter of Alexander of Alexandria to the First Ecumenical Council, where it is mentioned that those ordained by Meletius of Lycopolis were to be accepted into the Church.[25] The view of St Tarasius is interesting, as he points out that those coming from heretics should be accepted into the Church and their clerical rank should not be removed.[26] St Tarasius also references St Basil regarding the Novatians and the eighth canon of the First Ecumenical Council concerning their acceptance into the Church without reordination. This specific view of Tarasius is confirmed by St Photius, who adds examples of heretics coming into the Church and their acceptance and retention of their clerical rank.[27] It is well-known that the Seventh Ecumenical Council accepted cases of iconoclasts only with an apology for their heresy, despite the 68th apostolic canon which mandates reordination for heretics.

The question is whether, in the case of schismatics who have not committed any theological heresy, their acceptance into the Church is necessary. The method of accepting heretics and schismatics has always

[25] Σωκράτους, *Ἐκκλησιαστικὴ Ἱστορία Α'*, 9, *PG* 67, 80.
[26] *ACO* 4, 1, 230.
[27] Φωτίου Κωνσταντινουπόλεως, *Ἐρωτήματα δέκα*, *PG* 104, 1224. Κυρίλλου Μητροπολίτου Κρήνης, *Το Πατριαρχείο Κωνσταντινουπόλεως και η Αυτοκέφαλη Εκκλησία της Ουκρανίας*, Κωνσταντινούπολις 2021, 47–48.

been more lenient compared to the theological analysis of heresies or schisms because the Church examines each case individually, always emphasizing the mystery of the Incarnation of the Word, which reflects God's infinite love for the sins of the first humans. The Church of Christ always acts towards the healing of each case rather than their condemnation, and for the impact on the path of salvation for every person. All these examples show that both heretical and schismatic cases are understood only through ecclesiastical economy. When there is a particular case and need, the Church of Christ always transcends the canonical provisions.

The case of Ukraine was addressed by the Ecumenical Patriarchate using the criteria of Canon Law and the canonical tradition of the Orthodox Church. In the process of achieving autocephaly for the Ukrainian Church, the leaders of the two factions within the Ukrainian Church, Filaret and Makarios, turned to the ecumenical patriarch to resolve the existing situation. The reason they turned to the ecumenical patriarch was the right of appeal that the Ecumenical Patriarchate holds according to the ninth and seventeenth canons of the Fourth Ecumenical Council, a right that the ecumenical throne acquired with the third canon of the Second Ecumenical Council when it gained the privileges of the Church of Rome. If we read the interpretations of Byzantine canonists such as Balsamon, Zonaras, Aristinos and Matthew Blastaris, we will see that the Ecumenical Patriarchate has an indisputable right to accept appeals outside its own jurisdiction.

The main accusation of the Moscow Patriarchate against the leaders of the two factions—Filaret and Makarios—was the questioning of the canonical validity of their priesthoods and, consequently, the ordinations they performed, as both were deposed by the Synod of the Moscow Patriarchate. However, if we examine the timeline, we see that both of them had canonical ordinations and, therefore, apostolic succession, which the Moscow Patriarchate disputed. In 1990, due to political and ecclesiastical circumstances, the Moscow Patriarchate declared the Ukrainian Church as autonomous. At that time, Filaret became the exarch and metropolitan of Kiev (his beatitude metropolitan of Kiev and all Ukraine). Filaret, therefore, was ordained in the Russian Church and thus had canonical ordination and apostolic succession. The same applies to Makarios, who was ordained by bishops Dmitry

(Yarema), Igor (Isichenko), and Methodius (Kundryakov), who were ordained by metropolitan Metislav (Skripnik). Metropolitan Metislav had been ordained by Polikarp Sikorski, who had been ordained by Dionysius, metropolitan of Poland, in 1942.

The council of Poland was primarily made up of Ukrainian archbishops who decided upon and took the initiative to establish the Church of Ukraine, which was done in 1942 under the presidency of Polycarp Sikorski, who, as mentioned, had been ordained by the metropolitan of Warsaw and all Poland. Under Stalin's regime, due to the persecutions against the autocephalists, all the archbishops left for America and Canada.

As we see, the legitimacy of their ordination and thus the apostolic succession is indisputable. It is another matter that they were deposed by the council of the Moscow Church. The reason for their deposition was their struggle for the autocephaly of the Ukrainian Church. At that time, the Ecumenical Patriarchate recognized these deprivations, as is usually done with the recognition of deprivations by other Orthodox Churches. However, this does not prevent the Ecumenical Patriarchate from lifting these deprivations.[28] The Ecumenical Patriarchate could not reject the appeal from the Ukrainian autocephalists, which had been strengthened by the official endorsement of the President and the Verkhovna Rada of Ukraine. The Ecumenical Patriarchate recognized the ordinations of the former schismatics and advanced the act towards the declaration of the autocephaly of Ukraine, as it had done with other newer Orthodox Churches in the nineteenth and twentieth centuries. The Church has always acted this way, not only with schismatics but also with heretics.

These acts of the Church are understood only within the framework of ecclesiastical *economia*. As St Nicodemus of Mount Athos explains, the Church governs the salvation of the souls of the faithful sometimes with strictness and sometimes with *economia*[29].

Finally, we will note that: a) as we have seen, historical and canonical facts support the autocephaly of Ukraine, as noted by well-known canonists of the Orthodox Church; b) after the ancient institution of

[28] Κυρίλλου Μητροπολίτου Κρήνης, *Το Πατριαρχείο Κωνσταντινουπόλεως και η Αυτοκέφαλη Εκκλησία της Ουκρανίας*, Κωνσταντινούπολις 2021, 53.

[29] *Πηδάλιον*, Ἐν Ἀθήναις 1886, 54.

the Pentarchy, the establishment of newer Orthodox Churches and the granting of autocephaly to them happened for the same reasons and in the same manner as with Ukraine, e.g., the way autocephaly was granted to the Churches of Serbia, Romania, and Bulgaria, which was exactly the same way it was granted to the Church of Ukraine; c) the reason the Patriarchate of Constantinople, as the 'First Among Equals', began granting Tomes of autocephaly was to maintain the unity of the Church, so that there would be no pressure on the life of these newer Churches from their old jurisdictions. During the dissolution of the imperial regimes, the hierarchy of the new national countries no longer wished to be subject to the imperial hierarchy, and the only solution was the granting of autocephaly to these Churches. This was the case with the Church of Georgia, even though Georgia did not fall under the ecclesiastical jurisdiction of Constantinople. d) Historically, the privilege of granting autocephaly has always belonged to the See of Constantinople, and I believe it should remain so, as it is impossible to reach an agreement on this issue, because the hierarchies of the major countries will never agree to grant autocephaly to the newer countries that have been liberated from these states.

The Ecumenical Patriarchate serves as the high criterion for resolving the various problems that arise in the Orthodox Church from time to time. The Ecumenical Patriarchate has never viewed the appeal as a means of exerting influence over newer Churches. On the contrary, the purpose of the appeal, as the safest key defined by the Fathers of the Ecumenical Councils, was to contribute in the best way to the resolution of various issues in the life of the Church and their healing.